IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26019 of 2005

Between:

P.Ashok Kumar Reddy and another

..... PETITIONERS

AND

The Commissioner of Proh. and Exlcise,

A.P. Hyderabad and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents 2 to 4 in recommending the shifting of the 5th respondent shop i.e. M/s.Pratap Wines from D.No.14-3-301/A, D.R.Mahal Road, Tirupati to D.No.12-3-312, Tilak Road, 12th Ward, Tirupati, as illegal and arbitrary, the writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Prohibition and Excise.

It is the case of the petitioners that they are the highest bidders and licensees for the retail sale of liquors, granted under Andhra Pradesh Excise (Lease of right of selling by shop and condition of license) Rules, 2005 in respect of Ward No.10. It is stated that only two shops are notified at Ward No.10 and the petitioners are the higher bidders in respect of shop Nos.1 and 2, for which the petitioners alone are the licensees. It is further stated that as per the notification issued by the District Collector, Chittoor, dated 26.05.2005, notifying tenders for grant of licenses, no shop has been notified at ward No.12. In so far as Ward No.14 is concerned, 7 shops have been notified. It is stated that taking into consideration the proximity of shop and the notification in other wards, the petitioners have offered their highest bids and after obtaining licenses, the 5th respondent, who is one of the licensee of Ward No.4 filed an application to shift his shop to Ward No.12. Objecting the same, the petitioners filed representations on 29.10.2005 before the Prohibition and Excise Superintendent, Bairagipatteda, Tirupati. It is stated that without considering their representations, the respondents are taking steps to shift the shop of the 5th respondent to Ward No.12 though no shop is notified to Ward No.12.

Having regard to the facts and circumstances of the case, without expressing any opinion on merits of the case, the 3rd respondent is directed to consider and dispose of the representations of the petitioners dated 29.10.2005, in accordance with law, after giving a reasonable opportunity to the petitioners as well as to the 5th respondent, within a period of 6 (six) weeks from the date of receipt of a copy of this

order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 09.12.2005

Dsr

Note:

Issue CC by 12.12.2005

B/o

Dsr